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W.P(C)No. 202 OF 1995
ITEM Nos.58 to 65, 67 to 81, 83 to 93 COURT No. 2 SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

ITEM NO.58 @@
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I.A. No.566 in W.P.(C) No.202/1995

T.N. GODAVARMAN THIRUMALPAD Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents

(Suo-motu action taken by this Hon'ble Court on the statement of Mr. K.N. Raval, learned Additional Solicitor General on behalf of Central Government showing the position of the cases approved for diverting a forest land stipulation for compensatory afforestation under the Forest Conservation Act and the compensatory afforestation done funds to be utilised and actually utilised).

(Applications relating to State of Assam)

ITEM NO.59@@
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I.A. No.295 in W.P.(C) No.202/95
(Interim application through Amicus Curiae for directions regarding the State of Assam PCCF order dated 12th February, 1998)

ITEM NO.60@@
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I.A. No.664 in W.P.(C) No.202/95
(for directions)

ITEM NO.61@@
CCCCCCCCCC

I.A. No.677 in W.P.(C) No.202/95
(for directions/impleadment)

ITEM NO.62@@
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I.A. No.424 in W.P.(C) No.202/95
(Interim application on behalf of the applicant Santosh Bharti)

with I.A. No. 729 in I.A. No. 424 in WP(C) No. 202/95
(for modification of Court's order dated 22.9.2000)

ITEM NO.63@@
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I.A. No. 669 in I.A. No. 659 in W.P.(C) No. 202/95.
(for directions)
and
I.A. No.659 in W.P.(C) 202/1995
(for directions with regard to the forest of Matheran in the State of Maharashtra)

ITEM NO.64@@
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I.A. No. 680 in W.P.(C) No. 202/95.
(for directions)

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ITEM NO.65@@
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I.A. No. 685 in W.P.(C) No. 202/95.
(Communication received by Learned Amicus Curiae from the Chairman, High Power Committee from North Eastern Region dated 5.8.1998)

ITEM NO.67@@
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Contempt Petition (Civil) No. 193/2001 in W.P.(C) No. 202/95 with W.P.(C) No. 171/1996

(District Forest Officer, Tamil Nadu vs. Gowri Shankar & Anr.)

ITEM NO.68@@
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I.A. No. 670 in W.P.(C) No. 202/95.
(for directions to stop illegal mining, tree felling in the Kudrumukh National Park)

ITEM NO.69@@
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I.A. No. 395 in W.P.(C) No. 202/95.
(for clarification on behalf of State of Meghalaya)

ITEM NO.70@@
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I.A. No. 496 in W.P.(C) No. 202/95.
(for directions on behalf of State of Meghalya)

ITEM NO.71@@
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I.A. No. 497 in W.P.(C) No. 202/95.
(for directions on behalf of State of Meghalaya)

ITEM NO.72 @@
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I.A. Nos. 652-653 in W.P.(C) 202/1995
(for directions & exemption from filing O.T.)

ITEM NO.73 @@
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I.A. No.636 in W.P.(C) 202/1995
(for modification/directions on behalf of State of Tripura)

ITEM NO.74@@
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I.A. No. 703 in I.A. No. 502 in W.P.(C) No. 202/95.
(for directions)

ITEM NO.75@@
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I.A. No. 502 in W.P.(C) No. 202/95.
(for intervention)

ITEM NO.76@@
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I.A. No. 707 in I.A. No. 502 in W.P.(C) No. 202/95.
(for directions)

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ITEM NO.77@@
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I.A. No. 711 in I.A. No. 502 in W.P.(C) No. 202/95.
(for intervention/modification/clarification and directions)

ITEM NO.78@@
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I.A. No. 236 in W.P.(C) No. 202/95.
(for directions)

ITEM NO.79@@
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I.A. Nos. 634-635 in W.P.(C) No. 202/95.
(for impleadment and directions)

ITEM NO.80@@
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I.A. Nos. 697-698 in W.P.(C) No. 202/95.
(for directions and exemption from filing O.T.)

ITEM NO.81@@
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I.A. Nos. 700 & 701 in W.P.(C) No. 202/95 and W.P.(C) No. 171/96
(for intervention and directions)

ITEM NO.83@@
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I.A. Nos. 695 and 706 in I.A. Nos.695-696 in W.P.(C) No. 202/95 and W.P.(C) No. 171/96
(for directions and exemption from filing O.T.)

ITEM NO.84@@
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I.A. Nos.675-676 in I.A. Nos.667-668 in W.P.(C) No. 202/95.
(for modification and stay)

ITEM NO.85@@
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I.A. No. 686 in W.P.(C) No. 202/95.
(Letter dated 24.8.2001 received from the Empowered Committee for State of Chhatisgarh treated as I.A. in pursuance of Court's order dated 7.9.2001)

ITEM NO.86@@
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I.A. No. 687 in W.P.(C) No. 202/95.
(for impleadment/directions)

ITEM NO.87@@
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I.A. No. 688 in W.P.(C) No. 202/95.
(for impleadment/directions)

ITEM NO.88@@
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I.A. No. 712 in W.P.(C) No. 202/95.
(for impleadment/directions)

ITEM NO.89@@
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I.A. No. 705 in W.P.(C) No. 202/95.
(for directions)

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ITEM NO.90@@
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I.A. No. 589 in W.P.(C) No. 202/95 (for directions) with
(Report of Empowered Committee for the State of M.P. constituted vide order dated 12.5.2001 in I.A. Nos. 588, 589 and 612 filed in WP(C) No. 202/1995)

ITEM NO.91@@
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I.A. Nos. 647, 648 and 651 in W.P.(C) No. 202/95.
(for intervention/exemption from filing O.T. and directions)

ITEM NO.92@@
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I.A. Nos. 723-724 in W.P.(C) No. 202/95.
(for intervention and clarification/modification)

ITEM NO.93@@
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I.A. Nos. 578 & 579 in W.P.(C) No. 202/95.
(for modification of Court's order and exemption from filing O.T.)

Date : 18/02/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE ARIJIT PASAYAT

Amicus Curiae — Mr. Harish N Salve, SG (AC)
Mr. U U Lalit, Adv. (AC)
Mr. Siddharth Chaudhary, Adv.

For Petitioner(s) — Mr. Mahendra Vyas, Adv.
Mr. P K Manohar, Advs.

For Ministry of Environ- — Mr. Mukul Rohtagi, ASG

ment & Forests/UoI	Mr. A D N Rao, Adv. Ms. Varuna B Gugnani, Adv. Mr. C V Subba Rao, Adv. Ms. Renu George, Adv. Mr. R N Poddar, Adv. Ms. Alka Agarwal, Adv. Mr. S Wasim A Qadri, Adv. Mr. P Parmeswaran, Adv. Ms. Anil Katiyar, Adv. Mr. B V Balram Das, Adv.
For Applicant (s)	
IA 295 & IA 670	Mr. Mahendra Vyas, Adv. Mr. P K Manohar, Adv.
IA 664	Ms. Rani Chhabra, Adv.
IA 677 & IA 236	Mr. M L Lahoty, Adv. Mr. Paban K Sharma, Adv. Mr. Himanshu Shekhar, Adv.

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IA 424, 695 & 706	Mr. Prashant Bhushan, Adv. Mr. Sanjeev Kapoor and Mr. Narendra Verma, Advs.
IA 729	Mr. Prakash Shrivastava, Adv.
IA 669 & IA 659	Mr. U U Lalit, Adv.
IA 680	Mr. Mukul Rohtagi, ASG Mr. S Wasim A Qadri, Adv. Ms. Anil Katiyar, Adv.
CP 193/01	Mr. V Balaji, Adv. for Mr. P N Ramalingam, Adv. M/s. Arputham, Aruna & Co., Advs.(NP)
IAs 395, 496 & 497 (State of Meghalaya)	Mr. Ranjan Mukherjee, Adv.(NP)
IA 652-653	Mr. U U Lalit, Adv.
IA 636 (State of Tripura)	Mr. Kailash Vasdev, Sr. Adv. Mr. Gopal Singh, Adv. Mr. Rahul Singh, Adv.
IA 703	Mr. U U Lalit, Adv.
IA 502	Mr. Colin Gonsalves, Adv. Ms. Aparna Bhat and Ms. Sweta Kakkad, Advs.
IA 707	Mr. Altaf Ahmad, ASG Mr. D S Mahra, Adv.
IA 711	Mr. Parthapratim Chaudhuri, Adv. Mr. K S Rana, Adv.
IAs 634-635,697-698	Mr. Mukul Rohtagi, ASG Ms. Monica, Adv. Mr. R K M Singh, Adv. Mr. Bharat Sangal, Adv.
IA 700 & 701	Mr. S K Dholakia, Sr. Adv.

	Mr. S V Deshpande, Adv. Mr. S S Shinde, Adv.
IA 687,688,712	Mr. A B Rohtagi, Sr. Adv. Mr. Vikas Bansal, Adv. Mr. K S Bhati, Adv.
IA 705	Mr. Mukul Rohtagi, ASG Mr. Sanjay R Hegde, Adv. Mr. Satya Mitra, Adv. Ms. Priya Hegde, Adv.
IA 589	Mr. Mukul Rohtagi, ASG Mr. Sunil Kr. Jain and Mr. Vijay Hansaria, Advs. for M/s. Jain Hansaria & Co., Advs. (for M.P. Export Corpn. Ltd.)

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IA 647,648,651	Mr. M L Verma, Sr. Adv. Mr. Abhay Prakash Sahay, Adv. Mr. P R Ramasesh, Adv.
IA 723-724	Mr. K K Venugopal, Sr. Adv. Mr. Gopal Jain, Adv. Ms. Ruby Singh Ahuja, Adv.
IAs 578 & 579	Mr. Ranjit Kumar, Sr. Adv. Mr. T N Singh, Adv. Mr. V K Singh, Adv.
For Respondent(s)	
	Ms. Asha G Nair, Adv. for M/s. Corporate Law Group, Advs.
	Mr. Shakil Ahmed Syed, Adv.
	Mr. Raju Ramachandran, Sr. Adv. Mr. Joseph Pookkatt, Mr. Prasenjit Keswani and Mr. Prashant Kumar, Advs.
	Mr. Gourab K Banerjee, Adv. Mr. Vishwajit Singh, Adv.
for Kudremukh Iron Ore Co. Ltd. (in IA 670)	Mr. K K Venugopal, Sr. Adv. Mr. Shiva Subramanian, Mr. S Sukumaran, Mr. Ramesh Babu M R, Mr. M Raghu and Ms. Divya Nair, Advs.
District Council	Mr. P K Goswami, Sr. Adv. Mr. Rajiv Mehta, Adv.
	Mr. H S Parihar, Adv. Mr. Kuldeep S Parihar, Adv.
Andaman & Nicobar Administration	Mr. Altaf Ahmad, ASG Mr. D S Mahra, Adv.
State of Andhra Pradesh	Mr. T V Ratnam, Adv. Mr. K Subba Rao, Adv.
State of Chhatisgarh	Mr. Ravindra Shrivastava, Adv. Genl. Mr. Prakash Shrivastava, Adv.
State of Goa	Ms. A Subhashini, Adv.

State of Karnataka	Mr. Sanjay R Hegde, Adv. Mr. Satya Mitra and Ms. Priya Hegde, Advs.
State of M.P.	Mr. Vivek Tankha, Adv. General, M.P. Mr. S K Agnihotri, Mr. Sakesh Kumar and Mr. Anil K Pandey, Advs.
State of Manipur	Mr. K H Nobin Singh, Adv. Mr. S Biswajit Meitei, Adv.
State of Maharashtra	Mr. S K Dholakia, Sr. Adv. Mr. S S Shinde and Mr. S V Deshpande, Advs.
State of Orissa	Mr. Raj Kumar Mehta, Adv.

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State of Punjab	Mr. Rajeev Sharma, Adv.
State of Uttaranchal	Mr. L P Naithani, Adv. Genl. Mr. Ajay K Agrawal, Adv. Mr. Mahesh Chandra, Adv.
State of U.P.	Mr. Ajay K Agrawal, Adv. Ms. Alka Agrawal, Ms. Anamika Agrawal, Mr. C Siddharth, Mr. Arohi Bhalla, Mr. Rajeev Sharma and Y P Singh, Advs.
State of Sikkim	Mr. A Mariarputham, Adv. Ms. Aruna Mathur and Mr. Anurag D Mathur, Advs. for M/s. Arputham Aruna & Co., Advs.
State of West Bengal	Mr. Avijit Bhattacharjee, Adv. Mr. Atanu Saikia, Adv. Ms. Hemantika Wahi, Adv.

UPON hearing counsel, the Court made the following

O R D E R

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Report dt.16.2.2002 reg. Senior forest officer killed in Bihar@@

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The learned Amicus Curiae has brought to our notice a report to the effect that Shri Sanjay Kumar Singh, Divisional Forest Officer of Rohtas had been abducted and shot. As per the report, the suspicion is sought to be cast on Maoist Communist Centre. The report indicates that Shri Singh was taking action against the illegal mining of stones and boulders. If this is so, we are not sure whether the perpetrators of the dastardly crime are only Maoist Communist Centre or someone else and, perhaps, those who may be indulging in the illegal activities which Shri Singh was trying to stop.

We direct the Chief Secretary, State of Bihar to personally see to the investigation of the case and file his own affidavit within eight weeks. Copy of this order be sent by the Registry to the Chief Secretary forthwith for compliance. We direct the Director General of Police to give full assistance and cooperation in the conduct of the inquiry.

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I.A. No. 566@@
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On 23rd November, 2001, orders were passed requiring the Ministry of Environment & Forest to frame a scheme and place it before the Court within eight weeks. Nearly 11 weeks have elapsed and the scheme has not seen the light of the day, nor the Ministry of Environment & Forests has had the courtesy of filing any affidavit explaning the delay or asking for more time. The learned Additional Solicitor General states that the scheme will be prepared within two weeks and placed before the Court. Needful be done within three weeks, but we impose Rs. 5,000/- as costs. Costs be deposited in the Registry.

List after three weeks.

I.A. No. 295@@
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The learned Amicus Curiae has drawn our attention to orders dated 10th December, 1998 and 13th April, 2000 of this Court with regard to constitution of authorities in each State under Section 3(3) of the Environment (Protection) Act and also an authority at the national level.

On 13th April, 2000, the Additional Solicitor General had sought time to seek instructions and inform the Court with respect to the setting up of the said authorities. Many weeks and months and years have passed, but there is no information yet available in this regard. Mr. Mukul Rohtagi, learned Additional Solicitor General states that the Government will file a status report in this connection within eight weeks.

List after eight weeks.

...9/-

I.A. No.664@@
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As expected, no reply has so far been filed either by the State of Uttar Pradesh or by the Union Government. Last opportunity is granted to file the affidavits within eight weeks. List thereafter.

I.A. No. 677@@
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Counter affidavit on behalf of the Arunachal Pradesh has been filed. Applicant wishes to file a rejoinder. Rejoinder be filed within four weeks. List thereafter.

I.A. No. 424@@
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The learned Amicus Curiae has suggested that in order to encourage the States to increase the forest cover and to prevent the cutting of the natural timber even if the deficient States are unwilling or unable to contribute for the preservation of the hot spots or the forests like in the States of Arunachal Pradesh and Madhya Pradesh, the Central Government can and should impose a cess of not less than 5 per cent on the wood and wood products as well as wood pulp which is imported from abroad and the sum so realised can be distributed amongst the forest rich States and also be used as an incentive to other Statesto increase their forest cover and thereby getting a share from out of the cess. Mr. Mukul Rohtagi, learned Additional Solicitor General states that steps will be taken to consider this suggestion.

The Court feels that there is considerable merit in the suggestion of Mr. Harish N Salve, learned Amicus Curiae and as a result thereof without burdening the deficient States, which are already in dire financial straits, money

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would be available for improving the forest wealth of the country. Mr. Rohtagi states that an affidavit containing the decision of the Central Government in this behalf would be filed within four weeks.

List this application on 1st April, 2002.

I.A. No. 729@@
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Adjourned. To be taken up along with I.A. No. 424.

I.A. Nos. 669 and 659@@
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Long after orders have been passed, the Ministry of Environment & Forests have now on 6th February, 2002 issued a notification containing draft proposal for notifying Matheran and the surrounding areas as the eco-sensitive zone. The notification states that the draft proposal shall be taken up for consideration after the expiry of a period of 60 days. We expect that final notification will be issued within four months from today. Affidavit should be filed within a week thereafter. List thereafter.

The learned Amicus Curiae states that a formal application will be moved, inter alia, to the effect that where notices have been issued for removal of unauthorised construction whether by way of encroachment or excess erection and the notice is not complied with, then perhaps the Collector should be appointed as a Receiver to take physical possession of the illegal construction and for the custody to

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remain with him till the person who has erected the same either demolishes it himself or pays the costs of demolition to the Collector to enable him to do the needful. In this way, it is submitted by the Amicus Curiae, the wrongdoer will not continue to enjoy the benefits of his wrongful act and it will be a disincentive to the people to indulge in such an activity. Such an application will be filed within a week and the same may be listed for hearing on 5th March, 2002.

I.A. Nos. 680 and 589@@
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These two IAs are concerned with the use of wooden sleepers by the Railways. By an order passed by this Court, the Railways had been restrained from using wooden sleepers. In IA 680, it is stated that in certain areas there is no alternative but to use wooden sleepers. The requirement is only 20000 cubic mt. per annum. In IA 589, the M.P. Export Corporation states that it has certain wooden sleepers which are ready for delivery, which were manufactured on the orders of the Railways. We permit the M.P. Export Corporation to sell the same to the Railways. Thereafter, the Railways may use wooden sleepers manufactured only from imported wood from other countries.

These IAs stand disposed of in the aforesaid terms.

I.A. No. 685@@
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The learned Amicus Curiae brings to our notice a letter dated 15th February, 2002 written by the H.P.C. to him indicating therein particulars of about 10 cases which have been or are pending in the Gauhati High Court. This is at

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variance with the communication received from the Registrar of the High Court of Gauhati, wherein pursuant to this Court's order dated 7th September, 2001, it has been stated that the only case which was pending was of W.P. No. 5920/97 entitled Shri Radhey Shyam Sharma vs. Union of India & Ors. A copy of this letter dated 15th February, 2002 along with the details of the pending cases be filed by the Amicus Curaie and a copy thereof be sent to the Registrar, Gauhati High Court for his comments/explanation. He should be directed to file his response within three weeks of the receipt of the notice from this Court. Copy of the response so received from the Registrar should be given to the learned Amicus Curiae.

In the meantime, we restrain the Gauhati High Court, including any of its Benches, from entertaining any writ petition in connection with any order passed by the H.P.C. If any person has a grievance against the order passed by the H.P.C., the only course open is to approach this Court. The Registrar of the Gauhati High Court is directed not to register any writ petition so filed.

We also issue notice to the petitioners in the various writ petitions which have been filed, details of which are contained in the Annexure to letter dated 15th February, 2002, to show cause why those petitions be not transferred to this Court.

Contempt Petition (C) No. 193/2001@@
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In pursuance to the order dated 23rd November, 2001, we direct the Principal Chief Conservator of Forests to conduct a survey of the plantations within the State and to

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give a report as to the extent of illegal felling of trees which has taken place, the area of land where this illegal felling has been done and the owner of the plantation to whom the land belongs, so that on the next date of hearing appropriate orders can be passed in terms of the suggestion of the learned Amicus Curiae in this Court's order dated 23rd November, 2001, with regard to compulsory afforestation on the ratio of two hectares of land for every one hectare in which the trees have been felled. The report be furnished by the PCCF within eight weeks.

List on 23rd April, 2002.

Personal appearance of Respondent No. 2 Vinoth Jaya Kumar is dispensed with until further orders.

I.A. No. 670@@
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List on 5th March, 2002.

I.A. Nos. 395, 496 and 497@@
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Adjourned.

I.A. Nos. 652-653@@
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Reply by the State of U.P. be filed within four weeks. List thereafter.

I.A. No. 636@@
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It is stated by Shri Kailash Vasdev that the saw-mills in the State of Tripura have been closed and some orders be passed so as to permit the hut dwellers to obtain wood for the

purpose of repairing their huts. In order to ascertain

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whether the instructions to Shri Vasdev are correct, the Ministry of Environment & Forests as well as the H.P.C. should ascertain after personal visit by representatives as to whether the saw mills in the State of Tripura have been closed and if so since when. Report be filed within four weeks. List thereafter.

I.A. Nos. 703 and 502@@
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The Chief Secretaries of the State of Orissa, West Bengal, Karnataka, Tamilnadu, Assam, Maharashtra, Madhya Pradesh, Chhatisgarh and Kerala are directed to file a reply to this IA, in so far as it concerns the said States in relation to the steps required to be taken by them to prevent further encroachment of forest land and in particular the land in the hilly terrains, national parks and sanctuaries, etc. It should also be indicated as to what steps have been taken to clear the encroachments from the forest which have taken place at an earlier point of time. Affidavits be filed by the said States and the Union of India within four weeks.

A copy of the Report of Prof. Shekhar Singh be given to Shri Altaf Ahmed appearing on behalf of the Andaman & Nicobar Administration and a copy be also given to the MoEF. The responses to the Report and in particular to the recommendations made should be given within four weeks with copy to the learned Amicus Curiae.

To come up for further hearing on 1st April, 2002.

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I.A. No. 707@@
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It is clarified that the order of this Court prohibiting the cutting of trees does not apply to bamboos including cane, which really belongs to the grass family, other than those in the national parks and sancturies. In other words, no bamboos including cane in national parks and sanctuaries can be cut but the same may be cut elsewhere.

This IA stands disposed of.

I.A. Nos. 723-724@@
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Union of India and Andaman & Nicobar Administration should give a reponse to this I.A. Additional affidavit is permitted to be filed by the applicant before the next date of hearing.

List on 1st April, 2002.

I.A. No. 711@@
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List on 1st April, 2002 along with IA Nos. 723-724.

Rest of the I.As.˜@@
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List on 1st April, 2002.

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(D.P. WALIA)
Court Master

(S.L. GOYAL)
Court Master

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ITEM Nos.66 and 82 COURT No. 2 SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

ITEM NO.66 @@
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I.A. Nos.620-621 and I.A. No. 725 in I.A. Nos. 620-621 in
W.P.(C) No.202/1995

T.N. GODAVARMAN THIRUMALPAD Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents

(for directions and exemption from filing official transalation)

and

ITEM NO.82@@
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I.A. No. 645 in I.A. No. 620 in W.P.(C) No. 202/95 with
W.P.(C) No. 171/1996
(for directions)

Date : 18/02/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For appearing parties :

Mr. Harish N Salve, SG (Amicus Curiae)
Mr. U U Lalit, Adv. (AC)
Mr. Siddharth Choudhary, Adv.

Mr. Mahendra Vyas, Adv.
Mr. P K Manohar, Advs.

For Applicant (s) Mr. Prashant Bhushan, Adv.
Mr. Sanjeev Kapoor and Mr. Narendra Verma,
Advs.

For Ministry of Environment & Forests/UoI Mr. Mukul Rohtagi, ASG
Mr. A D N Rao, Adv.
Ms. Renu George, Adv.
Mr. R N Poddar, Adv.
Mr. R N Verma, Adv.
Mr. S Wasim A Qadri, Adv.
Mr. P Parmeswaran, Adv.
Ms. Anil Katiyar, Adv.
Mr. B V Balram Das, Adv.

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For State of M.P. Mr. Vivek Tankha, Adv. General, M.P.
Mr. S K Agnihotri and Mr. Sakesh Kumar, Advs.

For State of Maharashtra Mr. S V Deshpande, Adv.
Mr. S S Shinde, Adv.

For Respondent(s) Mr. Ranjit Kumar, Sr. Adv.
Ms. Binu Tamta, Adv.

UPON hearing the counsel, the Court made the following

O R D E R

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I.A. Nos. 620-621 and I.A. No. 725@@
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We have been taken through the Report dated 10th May, 2001 of Shri M.K. Sharma who had been requested by this Court to give a Report with regard to the alleged illegal mining activity which was stated to be taking place in the Shivpuri area.

Pursuant to the said direction dated 8th January, 2001, Shri Sharma had filed a Report which indicates that he and members of his team did find illegal mining taking place in the area in question. It is stated by the learned Advocate General for the State of Madhya Pradesh that the State has taken appropriate action and as of today no illegal mining is taking place. This is stated on the certificate given by the Collector and D.F.O.

Inasmuch as the Report of Shri Sharma is nearly a year old, we think it is important that he be requested to go to the area in question along with members of his team and update his Report and indicate whether any remedial measures have taken place and what is the position with regard to the mining in the reserved forest. We, therefore, direct Shri Sharma to go to Distt. Shivpuri and to give a further report in connection with the mining being carried on in that district.

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He will have the assistance of Shri S.P. Srivastava, Shri S.P. Yadav and Shri B. Ranjan, who had assisted him last year and in place of Shri A.R. Chadha who is stated to be incapacitated, Shri M.K. Sharma may select any other officer if he so desires. The State of Maharashtra shall, if necessary, pass appropriate orders releasing Shri M.K. Sharma, inasmuch as he is now holding the post of Principal Chief Conservator of Forests, State of Maharashtra. The arrangements in respect of the travel and TA & DA will be made by the State of Maharashtra and the Ministry of Environment & Forests. Shri Sharma and his team will go to the Distt. Shivpuri forthwith and if possible start their inspection within 48 hours.

Copy of this order be communicated by the Registry to Shri M.K. Sharma immediately. Shri S.V. Deshpande also undertakes to inform the State of Maharashtra and Shri M.K. Sharma. Copy of this order be also given to Shri Deshpande.

Shri M.K. Sharma should give his further report

within three weeks, if possible.
List after three weeks.

I.A. No. 645@@
CCCCCCCCCCCC
Adjourned. To come up along with I.As. 620-621.

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(D.P. WALIA)
Court Master

(S.L. GOYAL)
Court Master

OUT TODAY@@
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